REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 77-101, and 107 are requested to be cancelled.

Claim 102 is currently being amended.

Claims 121-135 are being added.

After amending the claims as set forth above, Claims 102, 104, 105, and 108-135 are now pending in this application, of which Claims 102, 121, and 128 are independent

Double Patenting and Claim Rejections – 35 USC § 102

In paragraphs 1-4 of the office action, Claims 77-101 were rejected under at least one of double patenting and § 102. These claims have been cancelled to facilitate prosecution. Canceling of these claims does not indicate that applicants agree with the rejections made in the office action.

Claim Rejections – 35 USC § 103

In paragraph 6 of the office action, Claims 102, 104, 105, and 107-120 were rejected under 35 USC § 103(a) as being unpatentable over any of Stanger et al, Alden et al, Forney, or Norris in view of either Maguire or Ledet et al.

Claim 102 has been amended to further include Claim 107, and now recites "wherein the belt and a heating element of the heating zone are arranged such that the belt contacts a first face of food items and the heating zone toasts a second face of food items; and wherein the heating element of the heating zone is configured to contact the second face of food items." None of the references cited teach such an arrangement.

Rather, Alden, Norris, and Forney each appear to teach a two belt system where one belt is located above a food item and a second belt is located beneath a food item, Stanger et al. fails to teach such an arrangement as discussed in response to the previous office action,

Ledet et al. appears to be directed to a steam cooker, and Maguire appears to fail to teach a heating element at all. Further, nothing in the combination of these references suggests including this element which is missing in each of the references.

Since none of the references or their combination teach or suggest at least one element of Claim 102, no combination of these references is believed to render Claim 102 unpatentable under § 103(a). Claims 104, 105, and 108-120 depend from Claim 102 and are believed to be allowable for at least the same reasons as Claim 102.

Additionally, at least Claims 109, 118, and 119 recite additional elements not believed to be found in any of the cited references.

New Claims

Claims 121-135 have been added. Claims 121-135 are believed to be supported by the original disclosure. Claim 121 is similar to amended Claim 102, and Claim 129 is similar to Claim 119 prior to amendment of Claim 102.

Claims 121 and 128 recite elements similar to Claim 102 and are believed to be allowable over the cited art for reasons similar to Claim 102.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.
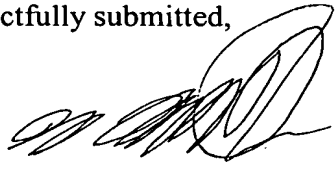
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date _____10/12/05_____   By _____

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